



PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS
1800 ELMERTON AVENUE
HARRISBURG, PENNSYLVANIA 17110

Mailing Date: March 18, 2019

Liam Knox
MuckRock News
DEPT MR 68644
411A Highland Avenue
Somerville, Massachusetts 02144

PSP/RTKL Request N° 2019-0144

Dear Mr. Knox:

On February 7, 2019, the Pennsylvania State Police (PSP) received your request for information pursuant to the Pennsylvania Right-To-Know Law (RTKL), 65 P.S. §§ 67.101 – 67.3104, wherein you state:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

A copy of all files, including communications, reports and memos, related to the white nationalist groups "Oathkeepers" and "The Three Percenters/The 3%ers."

A copy of your request is enclosed. In accordance with RTKL section 67.902(b), you were notified by letter dated February 14, 2019, that PSP required an additional thirty days to prepare this final response to your request.

PSP has determined it does not have any records in its possession, custody, or control that respond to your request. A supporting verification confirming this assertion accompanies this final response letter. Pursuant to the decision in, *Jenkins vs. Pennsylvania Department of State*, Docket No. AP 2009-065, "*It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see, e.g. section 67.506 (d)(1))*" (available at, <http://openrecords.pa.gov>). Please be advised, our office contacted the Pennsylvania State Police, Bureau of Criminal Investigation, Special Investigations Unit, and Tactical Intelligence Section and no records were located responsive to your request.

To the extent that your request seeks or may be construed to seek records pertaining to covert law enforcement investigations, including, intelligence gathering and analysis, the PSP can neither confirm nor deny the existence of such records without risk of compromising investigations and imperiling individuals. Under No Circumstances, therefore, should this final response be interpreted as indicating otherwise. In all events, should such records exist, they are entirely exempt from public disclosure under the RTKL and Criminal History Record Information Act, 18 Pa. C.S. §§ 9101-9183.

In closing, you have a right to appeal this response in writing to the Office of Open Records, 333 Market Street, 16th Floor, Harrisburg, Pennsylvania 17126-0333. The appropriate OOR appeal form is available for your use at, <https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>. If you choose to appeal, you must do so within 15 business days of the mailing date of this response, and send to the OOR: 1) this response; 2) your request; 3) the reason or reasons why you think PSP wrongfully denied your access to the requested records. *(a statement identifying any flaws in the reasons provided above as to why a requester is not subject to access the requested records under the RTKL).*

If you have any questions, please feel free to contact our office at the telephone number listed below.

Sincerely,



Kim Grant
Deputy Agency Open Records Officer
Pennsylvania State Police
Bureau of Records & Identification
Right-to-Know Law/Subpoena Section
1800 Elmerton Avenue
Harrisburg, Pennsylvania 17110
RA-psprighttoknow@pa.gov
1.877.785.7771 (Main) | 717.525.5795 (Fax)

Enclosures: RTK Request, Tracking N° 2019-0144
Grant Verification

PENNSYLVANIA STATE POLICE
DEPARTMENT HEADQUARTERS

VERIFICATION OF
KIM GRANT
DEPUTY AGENCY OPEN RECORDS OFFICER

I, Kim Grant, Deputy Agency Open Records Officer of the Pennsylvania State Police (PSP or Department), am authorized to prepare this verification on the Department's behalf in response to PSP/RTKL Request N° 2019-0144. Accordingly, on this 18th day of March, 2019, I verify the following facts to be true and correct, to the best of my knowledge or information and belief:

1. I am familiar with PSP/RTKL Request N° 2019-0144, which is attached to this verification.
2. Utilizing the information provided, I searched all Departmental databases, to which I have access, for evidence of any PSP records that may respond.
3. PSP determined that it does not have any records responsive to the RTKL request in its possession, custody, or control. The requestor was advised that our office contacted the Pennsylvania State Police, Bureau of Criminal Investigation, Special Investigations Unit, and Tactical Intelligence Section and no records were located responsive to his request.

I understand that false statements made in this verification are subject to penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.



Kim Grant
Deputy Agency Open Records Officer
Pennsylvania State Police

2019-0144
2/14/19

Ferguson, Lissa

RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT

2019 FEB -7 P 2:25

From: 68644-26231506@requests.muckrock.com
Sent: Thursday, February 7, 2019 2:23 PM
To: SP, PSP RIGHT TO KNOW
Subject: [External] Pennsylvania Right to Know Act Request: Oathkeepers and 3%ers
(Pennsylvania State Police)
Attachments: PA_Right_to_Know_Request_Form.pdf

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Pennsylvania State Police
RTK Office
1800 Elmerton Avenue
Harrisburg, PA 17110

February 7, 2019

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

A copy of all files, including communications, reports and memos, related to the white nationalist groups "Oathkeepers" and "The Three Percenters/The 3%ers."

I request that I be properly classified as a news media requester. I am an intern for MuckRock, and I am requesting this information in that editorial capacity. MuckRock is widely known for its investigative work as well as historical pieces based on public records requests.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Liam Knox

Filed via MuckRock.com

E-mail (Preferred): 68644-26231506@requests.muckrock.com

Upload documents directly: https://www.muckrock.com/accounts/agency_login/pennsylvania-state-police-435/oathkeepers-and-3ers-pennsylvania-state-police-68644/?uuid-login=e5968b7c-6bad-461a-ac92-476f41a0e122&email=RA-psprighttoknow%40pa.gov#agency-reply

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 68644
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.





pennsylvania
OFFICE OF OPEN RECORDS

RECEIVED
RIGHT-TO-KNOW LAW OFFICE
SUBPOENA UNIT

2019 FEB -7 P 2:24

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 2019-02-07

REQUEST SUBMITTED BY: ☒ E-MAIL ☐ U.S. MAIL ☐ FAX ☐ IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): Pennsylvania State Police

1800 Elmerton Avenue, Harrisburg, PA 17110

NAME OF REQUESTER : Liam Knox

STREET ADDRESS: Dept MR 68644 411A Highland Ave

CITY/STATE/COUNTY/ZIP(Required): Somerville, MA 02144-2516

TELEPHONE (Optional): _____ EMAIL (optional): 68644-26231506@requests.muckrock.com

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information.
Please use additional sheets if necessary*

See Attached

DO YOU WANT COPIES? ☒ YES ☐ NO

DO YOU WANT TO INSPECT THE RECORDS? ☐ YES ☒ NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? ☐ YES ☒ NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? ☒ YES ☐ NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

☐ I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*